



January 16, 2002

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## SENATE BILL No. 22

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DIGEST OF SB 22 (Updated January 14, 2002 5:21 PM - DI 77)

**Citations Affected:** IC 14-8; IC 14-16; IC 14-22; IC 14-32.

**Synopsis:** Natural resources matters. Changes the residency requirements for obtaining department of natural resources (DNR) fish and wildlife licenses or permits. Provides that it is a Class C infraction to violate the current statute prohibiting the operation of an off-road vehicle on public property without consent. Changes the fee for Ohio River commercial fishing licenses and gear tags. Changes the law concerning property damage by wild animals by expanding applicability of the law to: (1) the property of other legal entities and public bodies; (2) persons not owning but having an interest in the property; and (3) threatened damage. Requires the DNR director to prescribe the disposition of wild animals taken, killed, or captured under this law. Changes the reporting date for a soil conservation district to certify certain information to the division of soil conservation. (The introduced version of this bill was approved by the natural resources study committee.)

**Effective:** July 1, 2002.

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### Wheeler, Lewis

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November 20, 2001, read first time and referred to Committee on Natural Resources.  
January 15, 2002, amended, reported favorably — Do Pass.

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SB 22—LS 6225/DI 22+



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January 16, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## SENATE BILL No. 22

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 14-8-2-79.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2002]: **Sec. 79.5. "Domiciled", for purposes of section 242 of this**  
4 **chapter, means to be living in a place that:**

5           **(1) is a person's true, fixed, and permanent home and**  
6           **principal residence to which, whenever the person is**  
7           **temporarily absent, the person intends to return; and**

8           **(2) is a permanent building or a part of a building:**

9               **(A) including a house, a condominium, an apartment, a**  
10              **room in a house or complex, or a mobile home; and**

11              **(B) not including a vacant lot, second home, camp, cottage,**  
12              **or premises used solely for business.**

13       SECTION 2. IC 14-8-2-202 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 202. (a) "Person"  
15 means, except as provided in subsections (b) through (j), an individual,  
16 a partnership, an association, a fiduciary, an executor or administrator,  
17 a limited liability company, or a corporation.

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(b) "Person", for purposes of IC 14-12-2, has the meaning set forth in IC 14-12-2-3.

(c) "Person", for purposes of IC 14-16, **IC 14-22-28**, IC 14-24, IC 14-26-2, IC 14-28-1, IC 14-28-3, IC 14-29-6, and IC 14-38-2, means an individual, a partnership, an association, a fiduciary, an executor or administrator, a limited liability company, a corporation, other legal entity, the state, or an agency, a political subdivision, or another instrumentality of the state.

(d) "Person", for purposes of IC 14-12-1, IC 14-12-2, IC 14-20-1, IC 14-21, IC 14-25 through IC 14-29, except as otherwise provided in this section, IC 14-33, IC 14-34, and IC 14-37, means an individual, a partnership, an association, a fiduciary, an executor or administrator, a limited liability company, a corporation, or a governmental entity.

(e) "Person", for purposes of IC 14-22-31.5, has the meaning set forth in IC 14-22-31.5-2.

(f) "Person", for purposes of IC 14-25-3, has the meaning set forth in IC 14-25-3-1.

(g) "Person", for the purposes of IC 14-25-7, has the meaning set forth in IC 14-25-7-5.

(h) "Person", for purposes of IC 14-34, means an individual, a partnership, a limited liability company, an association, a society, a joint stock company, a firm, a company, a corporation, or other business organization.

(i) "Person", for purposes of IC 14-38-1, has the meaning set forth in IC 14-38-1-2.

(j) "Person", for purposes of IC 14-24-12, has the meaning set forth in IC 14-24-12-4.

SECTION 3. IC 14-8-2-242 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 242. (a) "Resident", for purposes of IC 14-22, except as provided in subsection (b), means ~~an individual~~ **a person** who:

(1) ~~resides is domiciled~~ in Indiana ~~on~~; and

(2) ~~has continuously resided within Indiana~~ for sixty (60) consecutive days immediately preceding the date of ~~application~~ **for the purchase of** a license or permit; ~~The term excludes all other individuals. and~~

**(2) does not claim residency for hunting, fishing, or trapping in any state other than Indiana or any country other than the United States.**

(b) "Resident", for purposes of IC 14-22-17, has the meaning set forth in IC 14-22-17-1.

SECTION 4. IC 14-16-1-29 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 29. (a) A person who violates section 17, 23(2), or 24 of this chapter commits a Class B misdemeanor.

(b) A person who violates section 8, 9, 11, 12, 13, 14, 18, 19, 20, 21, 23(1), 23(3), 23(4), 23(5), 23(6), 23(7), 23(8), 23(9), 23(10), 23(11), 23(12), 23(13), ~~or 23(14), or 27~~ of this chapter commits a Class C infraction.

SECTION 5. IC 14-22-13-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) This section applies to the Ohio River waters of Indiana.

(b) The department may issue to an individual who is a resident of Indiana or Kentucky a license to use in, and to possess for use in, the water seines, nets, or other commercial fishing gear under rules adopted under IC 4-22-2 upon payment of the following fee:

(1) For an Ohio River commercial fishing license and ten (10) Ohio River commercial gear tags, ~~seventy-two dollars (\$72): one hundred twenty-five dollars (\$125).~~

(2) For each block of ten (10) Ohio River commercial fishing gear tags, ~~twenty-one dollars and fifty cents (\$21.50): ten dollars (\$10).~~

SECTION 6. IC 14-22-28-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. The director may issue to ~~an owner of a person that owns or has an interest in~~ property being damaged **or threatened with damage** by a wild animal protected by this article a free permit to take, kill, or capture the wild animal.

SECTION 7. IC 14-22-28-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. **Notwithstanding any other prohibition or requirement of this article or the rules adopted under this article,** the director shall prescribe the following:

(1) The manner of taking the wild animal.

(2) The expiration of the permit.

(3) The rules the director considers necessary.

**(4) The disposition of the animal.**

SECTION 8. IC 14-32-8-8, AS ADDED BY P.L.160-1999, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 8. (a) In addition to funds provided to a district under section 7 of this chapter or from any other source the division of soil conservation shall pay to the district one dollar (\$1) for every one dollar (\$1) the district receives from a political subdivision.

(b) The state is not obligated to match more than ten thousand dollars (\$10,000) under this section.



1 (c) In order to receive funding under this section, before April 15 of  
2 each year a district must certify to the division of soil conservation the  
3 amount of money the district received from all political subdivisions  
4 during the one (1) year period beginning ~~April~~ + **January 1** of the  
5 previous year. The division of soil conservation shall make  
6 distributions under this section not later than July 15 of each year.

7 (d) Before making distributions under this section the division of  
8 soil conservation shall determine the total amount of money that has  
9 been certified by all districts as having been provided by political  
10 subdivisions. If the cumulative amount to be distributed to all districts  
11 exceeds the amount appropriated to the fund, the division of soil  
12 conservation shall reduce the distribution to each district  
13 proportionately.

14 (e) A district must spend money received under this section for the  
15 purposes of the district.

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SENATE MOTION

Mr. President: I move that Senator Lewis be added as second author of Senate Bill 22.

WHEELER

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Natural Resources, to which was referred Senate Bill No. 22, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 17, after "hundred" insert "**twenty-five**".

Page 3, line 17, delete "\$100)." and insert "**(\$125).**".

and when so amended that said bill do pass.

(Reference is to SB 22 as introduced.)

FORD, Chairperson

Committee Vote: Yeas 9, Nays 0.

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